IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 17081 of 2004(H)

PETITIONER:

POKKALI PADMANABHAN, S/O. GOVINDAN,
AGED 67 YEARS, RESIDING AT POKKALI HOUSE,
THAMARASSERIL AMSOM DESOM, KOZHIKODE TALUK.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:

1. THE DIRECTOR OF MINING AND GEOLOGY
THIRUVANANTHAPURAM.

2. THE GEOLOGIST, DEPARTMENT OF MINING
AND GEOLOGY, CIVIL STATION, KOZHIKODE.

3. M/S. ASSOCIATED QUARRIES, ROOM NO.5,
K.P.10/605, PANAMA BUILDING, P.O. KAKKODI,
KOZHIKODE DISTRICT, REPRESENTED BY ITS
MANAGING PARTNER, IDUKKAPARAKKAL I.P. JATHEENDRAN.

4. T.V. GANGADHARA KIDAVU, S/O. VENGILERI
LAXMI AMMA, CHAITHRAM HOUSE, THAMARASSERY
AMSOM AND DESOM, KOZHIKODE DISTRICT.

5. T.V. RAMACHANDRAN KIDAVU,
S/O. VENGILERI LAXMI AMMA, CHAITHRAM HOUSE,
THAMARASSERY AMSOM AND DESOM,
KOZHIKODE DISTRICT.

6. T.V. VENUGOPALAN KIDAVU,
S/O. VENGILERI LAXMI AMMA, CHAITHRAM HOUSE,
THAMARASSERY AMSOM AND DESOM, KOZHIKODE DISTRICT.

7. B. VIJAYASHANKAR NAIK, SENIOR GEOLOGIST
MINING AND GEOLOGY DEPT., DISTRICT OFFICE,
KOZHIKODE.

BY ADV. SRI.JACOB ABRAHAM
SMT. K.R. DEEPA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE JUDGMENT DATED 19.03.2002 IN OP NO. 7455/2002.

EXT.P2: TRUE COPY OF THE ORDER DATED 08.11.2000 IN IA NO.3846/2000 IN O.S. NO. 339/1990.

EXT.P3: TRUE COPY OF THE ORDER DATED 28.1.2003 IN CMA NO.6/2001.

EXT.P4: TRUE COPY OF THE LETTER DATED 07.10.2002 SENT BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P5: TRUE COPY OF THE ORDER OF THE ADDL. TAHSILDAR DATED 16.4.2002 NO. K4 16532/2001.

EXT.P6: TRUE COPY OF THE JUDGMENT DATED 08.10.2002 IN OP NO. 29130/2002.

EXT.P7: TRUE COPY OF THE ORDER DATED 07.01.2003 IN CMP NO. 528/2003 IN OP NO. 359/2002.

EXT.P8: TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE POLICE AUTHORITIES DATED NIL.

EXT.P9: TRUE COPY OF THE REQUEST MADE BY THE PETITIONER TO THE 2ND RESPONDENT DATED 27.04.2004.

EXT.P10: TRUE COPY OF THE LEASE GRANTED TO THE 3RD RESPONDENT TO CONDUCT QUARRYING OPERATION IN THE PROPERTY OWNED BY THE RESPONDENT 4 TO 6 DATED 20.1.2003.

EXT.P11: TRUE COPY OF THE ORDER IN IA NO.26/2002 DATED 04.01.2002.

RESPONDENTS' EXHIBITS:

EXT.R6(A): TRUE PHOTOSTAT COPY OF THE ASSIGNMENT DEED NO.1168/1979 EXECUTED BY THE PETITIONER IN FAVOUR OF RESPONDENTS 4 TO 6.

EXT.R6(B): TRUE PHOTOSTAT COPY OF THE PLAINT IN O.S. NO. 468/1992 ON THE FILE OF THE MUNSIFF COURT, KOZHIKODE FILED BY THE PETITIONER AND HIS MONTHER.

EXT.R6(C): TRUE PHOTOSTAT COPY OF THE JUDGMENT DT. 22.10.2001 OF THE HIGH COURT OF KERALA MADE IN OP NO. 30761/2001.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

==========

W.P.(C) NO. 17081 OF 2004

==========

Dated this the 25th day of July, 2007.

JUDGMENT

Challenge is on Ext.P10 lease. In view of the intervening developments, it will be open to the legal heirs of the petitioner to work out their reliefs before the Civil Court.

The writ petition is disposed of accordingly.

KURIAN JOSEPH, JUDGE.

rv